

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

BRIAN MILLER, *et al.*,
Plaintiffs,

v.

COMPUTER SCIENCES CORPORATION,
Defendant.

Civil Action No. 05-010-JJF

**APPENDIX TO DEFENDANT'S OPENING BRIEF IN
SUPPORT OF ITS MOTION FOR SUMMARY JUDGMENT**

Sarah E. DiLuzio (#4085)
POTTER ANDERSON & CORROON LLP
1313 North Market Street
6th Floor, P.O. Box 951
Wilmington, Delaware 19801
(302) 984-6000 (general)
(302) 984-6279 (direct)
(302) 658-1192 (fax)
sdiluzio@potteranderson.com

Of counsel:
Larry R. Seegull
Linda M. Boyd
DLA PIPER RUDNICK GRAY CARY US LLP
6225 Smith Avenue
Baltimore, Maryland 21209
(410) 580-3000 (general)
(410) 580-4253 (direct)
(410) 580-3253 (fax)
larry.seegull@dlapiper.com

Counsel for Defendant
Computer Sciences Corporation

Date: May 24, 2006

TABLE OF CONTENTS

Excerpts from Transcript of Deposition of Plaintiff William Sperati_____	A1
Excerpts from Transcript of Deposition of Plaintiff Daniel Rollins_____	A34
Excerpts from Transcript of Deposition of Plaintiff Karen Masino_____	A52
Excerpts from Transcript of Deposition of Plaintiff Robert Peterson_____	A79
Excerpts from Transcript of Deposition of Plaintiff Susan M. Pokoiski_____	A104
Excerpts from Transcript of Deposition of Plaintiff Brian Miller_____	A131
Excerpts from Transcript of Deposition of Plaintiff Kevin Keir_____	A163
Excerpts from Transcript of Deposition of Plaintiff Charles Folwell, Jr._____	A186
Excerpts from Transcript of Deposition of Plaintiff Ashby Lincoln_____	A216
Excerpts from Transcript of Deposition of Plaintiff Hector Calderon_____	A232
Excerpts from Transcript of Deposition of Plaintiff Dawn Hauck_____	A259
Excerpts from Transcript of Deposition of Russell Owen_____	A286
Excerpts from Transcript of Deposition of Susan Eltzroth_____	A305
Excerpts from Transcript of Deposition of Mary Jo Morris_____	A316
Excerpts from Transcript of Deposition of James Styles_____	A329
Chemical Group Employee Total Reward Guide_____	A336
Chemical Group Manager Total Reward Guide_____	A351
Fiscal Year 2003 AMIP Worksheet for Plaintiff Brian Miller_____	A373
June 12, 2003 Email from Gus Siekierka to Russell Owen, Mary Jo Morris And Tony Doye Regarding AMIP Realignment_____	A375
July 31, 2003 Email from Gus Siekierka Regarding AMIP Realignment_____	A377
<i>Seitz v. The Seigfried Group, LLP,</i> 2001 Del. Super. LEXIS 364 (Del Super. Oct. 2, 2001)_____	A391

<i>Ibach v. Dolle's Candyland, Inc.</i> , 1991 Del. Ch. LEXIS 12 (Del. Ch. 1991)	A398
Excerpts from Transcript of Deposition of John Nicolas Wilkinson	A405
Affidavit of Gus Siekierka	A410
Affidavit of Sonia Koplowicz	A431

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

BRIAN MILLER, HECTOR CALDERON,)
CHARLES FOLWELL, DAWN M.)
HAUCK, KEVIN KEIR, ASHBY)
LINCOLN, KAREN MASINO, ROBERT)
W. PETERSON, SUSAN M. POKOISKI,)
DAN P. ROLLINS, and WILLIAM)
SPERATI,)
)
Plaintiffs,)
)
v.) C.A. No. 05-10-JJF
)
COMPUTER SCIENCES CORPORATION,)
)
Defendant.)

Deposition of WILLIAM E. SPERATI taken pursuant to notice at the law offices of Potter Anderson & Corroon, Hercules Plaza, 6th Floor, Wilmington, Delaware, beginning at 9:25 a.m., on Thursday, January 12, 2006, before Kimberly A. Hurley, Registered Merit Reporter and Notary Public.

APPEARANCES:

TIMOTHY J. WILSON, ESQUIRE
MARGOLIS EDELSTEIN
1509 Gilpin Avenue
Wilmington, Delaware 19806
for the Plaintiffs

LARRY R. SEEGULL, ESQUIRE
LINDA M. BOYD, ESQUIRE
DLA PIPER RUDNICK GRAY CARY US LLP
6225 Smith Avenue
Baltimore, Maryland 21209-3600
for the Defendant

WILCOX & FETZER
1330 King Street - Wilmington, Delaware 19801
(302) 655-0477



WILCOX & FETZER LTD.
Registered Professional Reporters

ORIGINAL

1 A. I don't know whether it's a level issue or a
2 job description issue. I don't know the plan, but my
3 understanding is it was intended for management, and I
4 was not and never have been management.

5 Q. Management is at what level of the
6 organization, do you know?

7 A. No.

8 Q. What was the highest level of the organization
9 that you reached?

10 A. Level 6.

11 Q. As a level 6 employee, you were not a manager?

12 A. I was not a manager as a level 6.

13 Q. Your claim is that, when they notified you in
14 September of 2003, they notified you that you wouldn't be
15 participating at all for that entire fiscal year?

16 A. Correct.

17 Q. And that meant that they were saying that, as
18 of April 1 of 2003, you wouldn't be participating.

19 A. Correct.

20 Q. You felt that was a retroactive change?

21 A. Yes.

22 Q. That's your claim, that for the period of
23 April 1, 2003, through the time that you were notified in
24 September of 2003, you had been participating, in your



WILCOX & FETZER LTD.
Registered Professional Reporters

1 mind?

2 A. Yes.

3 Q. And that you're entitled to the compensation
4 out of AMIP for that period of time.

5 A. Yes.

6 Q. You're not claiming any entitlement to AMIP
7 compensation from September of 2003 on.

8 A. No. Because I was notified at that point that
9 my participation had been terminated.

10 Q. You understand that the company had the right
11 to do that, to tell you that you would no longer be
12 participating in AMIP and they could do that on a
13 going-forward basis?

14 A. I assumed that they have the legal right to do
15 that.

16 Q. Because they can change the terms and
17 conditions of your employment.

18 A. Right.

19 Q. You were an at-will employee, correct?

20 A. Yes.

21 Q. Are you still employed by CSC?

22 A. Yes.

23 Q. You remain an at-will employee, correct?

24 A. I don't know what that means, but yes. I



WILCOX & FETZER LTD.
Registered Professional Reporters

1 remain an employee under the same way I have always been
2 an employee.

3 Q. At-will means you have no contract of
4 employment, correct?

5 A. I have no contract.

6 Q. You understand that the company can change the
7 terms of your employment going forward?

8 A. Yes.

9 Q. And that is what you thought they were doing in
10 September of 2003, but you thought they were going to do
11 it from September 2003 going forward. You didn't think
12 they were going to do it from April through September.

13 A. I don't think that you can terminate -- you can
14 tell somebody, oh, you weren't -- we're not paying you
15 for that period of time, give us the money back. I don't
16 know how you can do that.

17 Q. Let's just be clear, though. They hadn't yet
18 paid you anything, correct?

19 A. No.

20 Q. So they weren't asking you to return any money,
21 correct?

22 A. No.

23 Q. Is that correct?

24 A. It's accrued and prorated.



WILCOX & FETZER LTD.
Registered Professional Reporters

1 Q. Have you ever declared bankruptcy?

2 A. No.

3 Q. Have you ever made a claim for unemployment
4 benefits?

5 A. Yes.

6 Q. When was that?

7 A. 1971.

8 Q. How long have you worked for CSC?

9 A. Since we transitioned in June of 1997.

10 Q. You were working with DuPont before that?

11 A. Yes.

12 Q. How long had you worked for DuPont?

13 A. Twenty-seven years.

14 Q. So you worked for DuPont since 1970?

15 A. '71.

16 Q. Since 1971 with DuPont?

17 A. Yes.

18 Q. And then from there on out you have been
19 working with CSC?

20 A. Yes.

21 Q. Have you ever made a claim for workers'
22 compensation benefits?

23 A. No.

24 Q. Do you have any relatives who work for CSC?



1 Q. And earnings per share?

2 A. In those years that that was the criteria, yes.

3 Q. So some years it was earnings per share; some
4 years it was other criteria?

5 A. Yes.

6 Q. What were the other criteria that might be
7 used?

8 A. Return on investment, operating income. All
9 years prior to 2000 -- fiscal 2003, the immediate prior
10 year, a component, I think it was roughly 20 percent, was
11 based on the definition and meeting personal objectives.
12 In other words, I had a specific contribution that, if I
13 did certain specific tasks at a certain level, then I
14 would get X percent of the 20 percent would go into the
15 calculation.

16 The individual component was not part of
17 the calculation for fiscal 2003. It had been in prior
18 years. I do not know what the formula was and whether it
19 had a personal contribution component for 2004 or not.

20 Q. Because you never received a --

21 A. -- statement of how it was going to be
22 calculated for that year.

23 Q. Every other year you had received such a
24 statement, but in the fiscal year 2004 --



WILCOX & FETZER LTD.
Registered Professional Reporters

1 A. I did not get it. Had not received it at the
2 time I was notified that I was not a participant.

3 Q. So you did not know how it would be calculated
4 for that year.

5 A. Right.

6 Q. Do you remember when you first started working
7 for CSC, the day?

8 A. June 1st, 1997.

9 Q. What was the position that you assumed at CSC?

10 A. Programmer/analyst/consultant. I think the
11 title was computer scientist.

12 Q. What projects were you working on?

13 A. I was working on the DuPont SAP project.

14 Q. What group were you in?

15 A. The SAP Group.

16 Q. Were you in the Chemical Group, TMG --

17 A. Well, okay --

18 MR. WILSON: Let him finish asking his
19 question.

20 BY MR. SEEGULL:

21 Q. Were you in the Chemical Group, TMG, CEG, GIS?
22 What was the overall group you were in?

23 A. At the time it was called Horizon Initiatives.
24 So it was the Horizon Initiatives Group. It got renamed



WILCOX & FETZER LTD.
Registered Professional Reporters

1 A. Again, it went through names. It had ended up
2 being called Global Transformation Services, GTS.

3 Q. But that's the same group that had been called
4 TMG and Chemical?

5 A. From my view of the world, yes.

6 Q. Let's call that the Chemical Group. Who was
7 the head of the Chemical Group when you were told you
8 were no longer going to be participating in the AMIP
9 program?

10 A. I think it was Nick Wilkerson, but I'm not
11 sure. I don't have dealings at that level that I really
12 pay attention. That's one of the names of the people who
13 periodically talked to us. I'm not sure whether he's at
14 the top or one level down for DuPont.

15 Q. Was he a vice president, do you know?

16 A. I don't remember. I believe so.

17 Q. You received an AMIP each year you were at CSC?

18 A. Yes.

19 Q. Up until that point in September of 2003.

20 A. Yes.

21 Q. Let's talk about that. How much did your AMIP
22 payments range from?

23 A. The last one was in the \$30,000 range. I think
24 the low was around 20, but I don't remember the number.



WILCOX & FETZER LTD.
Registered Professional Reporters

1 Q. You're saying those payments to you were made
2 in May of every year?

3 A. Yes.

4 Q. And they were made for the prior fiscal year?

5 A. Yes.

6 Q. Why did the payments not get made until May of
7 the year?

8 A. Because one component of the calculation -- all
9 the components of the calculation are based on the
10 accomplishments through the year, financial or personal.

11 Q. So it takes a while to reconcile the prior
12 fiscal year?

13 A. Basically they have to -- you got to close the
14 books to know how much money you made. If you met those
15 objectives, you have to use those numbers. And the
16 annual personnel review for your individual
17 accomplishments also happens on that fiscal year-end
18 timing.

19 Q. There's a number of things that have to finish
20 and wrap up and be analyzed before they can put it into
21 the formula to figure out how much bonus you will get?

22 A. Right.

23 Q. Then after that it takes even more time to send
24 out this formula for next year's bonus.



WILCOX & FETZER LTD.
Registered Professional Reporters

1 A. Right.

2 Q. When, generally, did you receive the formula
3 for the following year's bonus? Would that sometimes be
4 October or November, December?

5 A. In the August-to-November time frame somewhere.
6 I don't ever remember it being discussed much before
7 August, and I remember I think the year before it was
8 October/November when they finally came through and
9 said --

10 Q. Here's how we're going to calculate.

11 A. -- here's how we're going to do it and, by the
12 way, there won't be an individual component.

13 Q. That was the first year they said that?

14 A. Yes.

15 Q. It changed year to year how they weighted the
16 components and what the components would be?

17 A. Yes.

18 Q. That wasn't particular to you; that was across
19 the board?

20 A. As I understand it.

21 Q. When you came into the CSC organization, what
22 level were you?

23 A. Five. I had been a 5 at DuPont. CSC didn't
24 have that sublevel distinction, so I became a 5.



WILCOX & FETZER LTD.
Registered Professional Reporters

1 Q. What was the title level?

2 A. I was called a computer scientist.

3 Q. How long did you stay at that level?

4 A. I think it was either three or four years.

5 Q. Then you became an SO 6?

6 A. Yes.

7 Q. Do you know what the title is for that level?

8 A. Senior computer scientist.

9 Q. Which office were you in?

10 A. You mean building?

11 Q. Yes.

12 A. I started at Barley Mill with DuPont, then we
13 moved into the Christina Corporate Center, moved around
14 there a couple, was on-site with DuPont at J.P. Morgan,
15 and then back at Christina Corporate Center.

16 Q. Did your salary increase each year?

17 A. Yes. There was one year when there was no
18 increase. I think it was in 2003.

19 Q. You received a letter when you were transferred
20 from DuPont; is that right?

21 A. I received an offer of employment for CSC when
22 I left DuPont, yes.

23 MR. SEEGULL: Mark this as Exhibit 1.

24 (Deposition Exhibit No. 1 was marked for



WILCOX & FETZER LTD.
Registered Professional Reporters

1 identification.)

2 BY MR. SEEGULL:

3 Q. I'm showing you what's been marked as
4 Exhibit 1. Why don't you take a moment to look through
5 it.

6 MR. WILSON: Was this produced?

7 MS. BOYD: Yes.

8 THE WITNESS: That number is different.

9 BY MR. SEEGULL:

10 Q. Have you had a chance to review Exhibit 1?

11 A. Yep.

12 Q. Do you recognize this document?

13 A. Yes.

14 Q. What is it?

15 A. This is the offer of employment that I
16 received.

17 Q. Who is Dorothy Eltzroth?

18 A. She was HR director when we cut over. That's
19 what it says.

20 Q. Do you know her?

21 A. Not personally, no.

22 Q. This was trying to lay out how it was going to
23 work when you came over from DuPont, correct?

24 A. It says this basically is the details of



WILCOX & FETZER LTD.
Registered Professional Reporters

1 compensation and benefits that I would start -- that I
2 would get when I started working.

3 Q. One of the things it refers to is the
4 Management Incentive Program.

5 A. Yes.

6 Q. That's in the third full paragraph?

7 A. Yes.

8 Q. It says, of course, that you will be included
9 in CSC's Management Incentive Program?

10 A. Yes.

11 Q. It talks about the requirement of superior
12 contributions to the performance of Horizon Initiatives?

13 A. Yes.

14 Q. As well as achievement of negotiated management
15 objectives.

16 A. Yes.

17 Q. Told you that it would run with the fiscal
18 year?

19 A. Yes.

20 Q. Then it told you that the award will range up
21 to 30 percent of your adjusted base salary?

22 A. Yes.

23 Q. Depending upon your performance.

24 A. Right.



WILCOX & FETZER LTD.
Registered Professional Reporters

1 Q. So you understood from this letter that you
2 were eligible to participate in the Management Incentive
3 Program?

4 A. It said I would be included. Specifically when
5 the manager gave this to me, he mentioned that
6 professionals such as myself were not part -- were not
7 included -- other professionals at CSC were not in the
8 Management Program, that this was done for the
9 professionals who came from DuPont to structure the
10 compensation similarly to the way it was at DuPont.

11 MR. SEEGULL: Off the record.

12 (Discussion off the record.)

13 BY MR. SEEGULL:

14 Q. When you say "professionals," do you mean that
15 you were a technical professional?

16 A. Yes.

17 Q. You were not on the management track.

18 A. No management or supervisory responsibilities.

19 Q. So they were making, again, an exception for
20 you because you were --

21 A. As I understood it, yes.

22 Q. You also understood that this was not a
23 guarantee that your benefits would never change.

24 A. Right.



WILCOX & FETZER LTD.
Registered Professional Reporters

1 Q. You understood that you were not guaranteed
2 that you would forever be in a Management Incentive
3 Program.

4 A. I didn't see there would be any reason why I
5 wouldn't.

6 Q. But you understood it wasn't a guarantee.

7 A. There's no guarantees.

8 Q. What do you mean by that?

9 A. Well, they can say the pension stopped. They
10 can say we're not, you know, covering this. As I
11 understand it, the employer can change anything about how
12 you are compensated or your work environment that they
13 want.

14 Q. Before you were transferred from DuPont to CSC,
15 did DuPont hold any meetings with you about the transfer?

16 A. Yes, we had meetings.

17 Q. Other than the communication you've just told
18 me about from your would-be supervisor about the AMIP,
19 any other communications about the bonus plan?

20 A. They said it was structured differently than
21 DuPont. They didn't really go into details.

22 Q. Anything else?

23 A. Not that I recall.

24 Q. Did you receive any documents related to the



WILCOX & FETZER LTD.
Registered Professional Reporters

1 bonus plan?

2 A. No.

3 Q. Have you ever seen the bonus plan?

4 A. No.

5 Q. Have you ever seen anything labeled "AMIP"?

6 A. E-mail communications around the formula for
7 this year, for the coming year or the actually
8 in-existence year because, like I said, they tended to
9 come through in late summer, early fall.

10 Q. Other than those communications, have you ever
11 seen any policy or plan labeled "AMIP"?

12 A. I haven't.

13 Q. Do you know if there is such a policy or plan?

14 A. I assume there is.

15 Q. Why do you assume there is?

16 A. Because HR documents policies. They wouldn't
17 talk about it if they didn't have it. You've got
18 something with a name, I assume it has specific rules and
19 criteria written down in the bowels of CSC's HR
20 organization administration.

21 Q. Did you ever ask anybody where is my e-mail
22 about the AMIP?

23 A. No.

24 Q. Why not?



WILCOX & FETZER LTD.
Registered Professional Reporters

1 A. Well, because it wasn't October. Things happen
2 slowly. I kind of -- I mean, I was kind of wondering,
3 hmmm, I wonder when they're going to start this, because
4 it was September. I kind of remember things happening in
5 August, but, you know, I'm busy running the army. When
6 you get the e-mail, you say, oh, okay, better fill this
7 out.

8 Q. What do you mean fill it out?

9 A. Well, in the past there were the specific
10 individual objectives. So I had to write down my piece
11 of what it was for that year that I would be doing.

12 Q. So for fiscal year 2004, you had not received
13 any e-mail communication about what the criteria would be
14 for the bonus that year.

15 A. Right.

16 Q. Did you know whether or not an individual
17 performance objective would be one of the components?

18 A. No.

19 Q. It had been a component for sometime in the
20 past, yes?

21 A. Yes.

22 Q. But for the immediately preceding year it had
23 not been a component?

24 A. Correct.



WILCOX & FETZER LTD.
Registered Professional Reporters

1 something else, and then I assume it's Management
2 Incentive Program.

3 Q. Am I correct that you can't point to any
4 document that spells out the terms of the AMIP?

5 A. Not that I have seen.

6 Q. Year to year the factors and components of the
7 AMIP changed?

8 A. I believe so, yes. Definitely they changed the
9 last year because there was no individual piece.

10 Q. Individual performance component.

11 A. Right. The two things -- there was no
12 individual performance component and the earnings per
13 share, the actual high-level corporate earnings per
14 share, was actually a component, but I do not recall
15 being that -- I do not recall being in there other years.

16 Q. Other changes might have been return on
17 investment?

18 A. They might have had return on investment one
19 year and not others or equity. CSC learned different
20 ways of doing accounting and measuring, trying to find
21 quantifiable ways to measure performance.

22 Q. Do you know what DSO is?

23 A. Day sales outstanding. That's their newest
24 buzz word to try to make the balance sheet look good.



WILCOX & FETZER LTD.
Registered Professional Reporters

1 Q. Is that another component that sometimes was
2 included and sometimes not?

3 A. I do not ever remember that being a component,
4 but CSC has been hot on that. It would not surprise me
5 at all that that would have been a component in 2004
6 because that was one of the corporate financial
7 objectives was to reduce the day sales outstanding.

8 Q. The DSO was not a factor in the prior years'
9 AMIPs, but it might have been a factor in fiscal year
10 2004?

11 A. Might have.

12 Q. I'm sorry. What does DSO stand for?

13 A. Day sales outstanding.

14 Q. Which means what?

15 A. How well CSC bills and manages its receivables.

16 Q. CSC's fiscal year runs from April 1 of the year
17 through March 31st of the next year.

18 A. Yes.

19 Q. So if it's April 1 of 2002 through March 31st
20 of 2003, that would be fiscal year 2003?

21 A. Correct.

22 Q. In addition to the components of the AMIP
23 change in year to year, the weightings would also change?

24 A. I believe so.



WILCOX & FETZER LTD.
Registered Professional Reporters

1 end of the year?

2 A. Correct.

3 Q. So they couldn't calculate your bonus at any
4 one moment in time during the course of the year.

5 A. Correct.

6 Q. I'm not a mathematician. I know you are. But
7 can you just explain to me why that would be?

8 A. Well, you don't know how well you've gotten
9 your earnings or your objectives. You could get -- you
10 could make assumptions to get an estimate, but you don't
11 have the numbers. You don't know if you met operating
12 income or return on investment or whatever numbers until
13 the end of the period and you've run your numbers, you
14 have your year's worth of sales, etcetera.

15 Q. So as of the time that you were told you were
16 not going to be participating in AMIP, the company was
17 not in a position to give you a bonus for that period of
18 time of the year that had already passed. Is that
19 correct?

20 A. They would probably have -- they would have
21 chosen not to have gone through that exercise because of
22 the way they do goal-setting.

23 Q. Just answer my question, though. The company
24 could not have prorated your bonus as of September of



WILCOX & FETZER LTD.
Registered Professional Reporters

1 A. Correct.

2 Q. Wait until I complete my question. It's very
3 difficult for the court reporter. I don't want to make
4 it too difficult for her.

5 Isn't it true that as of September 2003,
6 any AMIP bonus for you could not have been prorated?
7 Correct?

8 A. Prorating means that, when it would be awarded,
9 which would be at the close of the fiscal year in 2004,
10 it would be prorated for those months of participation.

11 Q. So you're saying they could have prorated at
12 the end of the fiscal year, correct?

13 A. Right.

14 Q. But they couldn't have prorated at the middle
15 of the fiscal year in September 2003, correct?

16 A. Correct.

17 Q. Sitting there in September of 2003, you had no
18 way of knowing how much your bonus would have been at
19 that point in time up until that point in time, correct?

20 A. Correct.

21 Q. That is, up until that point in time in
22 September of 2003, you hadn't earned anything.

23 MR. WILSON: Object to the form.

24 A. I had participated in the plan by being an



WILCOX & FETZER LTD.
Registered Professional Reporters

1 prorata and you think prorata means by time spent in the
2 plan. It was not done prorata, correct?

3 A. Correct.

4 Q. Now, do you know in the fiscal year 2004
5 whether or not an individual performance objective was a
6 component of the plan?

7 A. I have no idea what the 2004 components were.

8 Q. You haven't spoken to anybody who was subject
9 to the 2004 AMIP plan?

10 A. No.

11 Q. You have never seen a completed worksheet?

12 A. No.

13 Q. How did it work at the end of every fiscal year
14 when you would get your bonus? Did you get a completed
15 worksheet back from the company?

16 A. I think they would show us a copy of it.
17 Sometimes we would get a hard copy. I do not recall it
18 coming via e-mail.

19 Q. Who was it that would show it to you?

20 A. That would be my supervisor.

21 Q. Who is that?

22 A. Debbie Cebula.

23 Q. How long has Mrs. Cebula been your supervisor?

24 A. Five or six years.



WILCOX & FETZER LTD.
Registered Professional Reporters

1 participating in AMIP or not, correct?

2 A. I was participating, okay, because I had a
3 letter that said you will be included.

4 Q. How long after you received the completed
5 worksheet and met with Ms. Cebula did you receive the
6 bonus payment?

7 A. Hours or days.

8 Q. Or maybe right at the same time?

9 A. I mean, I'm trying to think. It may be a
10 scenario of the payday would be Friday, we would have
11 visibility to our pay stubs on Tuesday, so we would
12 actually know the amount, and on Wednesday or Thursday
13 she would actually talk to us as to how it was
14 calculated.

15 Q. What were you told in September of 2003 about
16 no longer being a participant in AMIP?

17 A. The entire communication was in the letter and
18 a statement that something to the effect of it's because
19 now it's only going to managers; they're enforcing that
20 old rule that we had been excepted from in the past.

21 Q. So am I correct that you had no communications
22 with anybody else about your no longer being a
23 participant in AMIP other than that letter?

24 A. That was the first time I heard anything about



WILCOX & FETZER LTD.
Registered Professional Reporters

1 it.

2 Q. Was that the only time you spoke to anybody in
3 the company about it? I say "spoke." You didn't speak
4 to anybody. Was that the only communication you had with
5 anybody about no longer being a participant in AMIP?

6 A. Basically, yes. I mean, some of the other
7 people who I believed lost it, we started talking about,
8 boy, this seems pretty unbelievable.

9 Q. Other than that?

10 A. No.

11 Q. No other communications?

12 A. No. And then the letter from Bill saying
13 please respond to the letter that you received.

14 Q. What was your understanding of what it meant
15 when you received the letter?

16 A. It meant that CSC had on September 11th
17 declared that effective April 1st I was no longer to be
18 participating.

19 Q. Did you understand that meant that you would no
20 longer receive any AMIP?

21 A. I suspect that to be the case.

22 Q. That's what you understood it to mean.

23 A. Yes.

24 Q. Did you understand that you were not going to



WILCOX & FETZER LTD.
Registered Professional Reporters

1 get prorated?

2 A. I was pretty sure because of that use of the
3 April 1st language that they would not recognize the fact
4 that I had participated for those six months.

5 Q. Did you ever ask anybody about proration?

6 A. I might have said are we going to at least get
7 money for this -- I suspect that I asked, but I don't
8 remember specifically.

9 Q. You think you were told no, you're not going to
10 get prorated?

11 A. Right.

12 Q. That would have been Debbie Cebula?

13 A. Yes.

14 Q. And that would have been in September 2003, as
15 well, that you spoke to her about this?

16 A. Yes.

17 Q. So you knew once you spoke to Debbie Cebula
18 that you would not get any AMIP?

19 A. I expected that, when the AMIP was distributed,
20 I would not -- my participation would not be recognized
21 and, therefore, I would get nothing for that fiscal year.

22 Q. That's what you understood.

23 A. Yes.

24 (Deposition Exhibit No. 2 was marked for



WILCOX & FETZER LTD.
Registered Professional Reporters

1 identification.)

2 BY MR. SEEGULL:

3 Q. I'm now showing you what's been marked as
4 Exhibit 2. Do you recognize this?

5 A. Yes.

6 Q. This is the letter you received?

7 A. Yes.

8 Q. That told you you were no longer a participant
9 in AMIP.

10 A. Yes.

11 Q. So you were told as of September 11th, 2003,
12 that you would not get any AMIP.

13 A. Correct.

14 Q. You said you were given some explanation, but
15 it's not from this letter?

16 A. Well, this letter says it has reviewed your
17 eligibility in line with criteria set and you will no
18 longer be eligible. That's what it says.

19 Q. So you understood that to be an explanation
20 about we're returning to what we always understood the
21 AMIP to be.

22 A. That's what I assumed happened, because at any
23 time they could have reviewed and under the rules I
24 would, quote, not have been eligible.



WILCOX & FETZER LTD.
Registered Professional Reporters

1 Q. Were you handed this letter?

2 A. Yes.

3 Q. By Debbie Cebula?

4 A. Yes.

5 Q. You were told you were eligible for a
6 discretionary bonus.

7 A. That's what it said.

8 Q. You were eligible for up to \$10,000 in
9 discretionary bonus, correct?

10 A. That's what it said.

11 Q. And you would not have been eligible for a
12 discretionary bonus if you had remained in the AMIP.

13 A. I assume that to be so.

14 Q. That's what you understood.

15 A. I don't know that they implemented a
16 discretionary bonus program. CSC has changed over the
17 years as to whether a person can participate in multiple
18 bonus programs or not. So I don't know what the current
19 rules as to whether you would be eligible for two
20 bonuses, performance bonuses, or not. It's likely that
21 with AMIPs I would not have gotten -- have been eligible
22 for any other bonus.

23 Q. That was your understanding.

24 A. That is the way it had worked the last couple



WILCOX & FETZER LTD.
Registered Professional Reporters

1 Exhibit 4 was sent.

2 Q. You provided answers to interrogatories in this
3 case.

4 A. Yes.

5 Q. One of the questions we asked you in the
6 interrogatories was to provide a statement as to your
7 damages, correct?

8 A. I believe so.

9 Q. You identified your damages as being
10 \$15,667.86. Does that number sound familiar?

11 A. Probably.

12 Q. Is that yes?

13 A. Yes.

14 Q. And that was what, your estimate of what or
15 your statement of what?

16 A. That's my statement of not knowing the formula
17 for the 2004 AMIP, I used the average that I had gotten
18 over the last couple years, assuming that CSC financials
19 were as good, if not better, than the prior years so that
20 the base for the calculation would be the same, and then
21 applied that percentage to my salary for the time period
22 up through the notification.

23 Q. So this was an estimate of what you felt was
24 the amount of AMIP bonus that should have been prorated



WILCOX & FETZER LTD.
Registered Professional Reporters

1 for the period of time up until the point that you were
2 notified you were no longer participating.

3 A. Yes.

4 Q. And just tell me how you went about coming up
5 with this estimate.

6 A. As I recall, I took the average percentage for
7 the prior three years --

8 Q. What do you mean "percentage"? Percentage of
9 what?

10 A. Percentage of my salary that my AMIP had
11 represented.

12 Q. So maybe you took the AMIP that you had
13 received in 2002?

14 A. Right.

15 Q. 2001?

16 A. '2 and '3.

17 Q. The AMIP dollars that you had received in 2002,
18 the AMIP dollars you had received in 2003, and figured
19 out what percentages they were for each year?

20 A. Yes.

21 Q. And then what did you do, you averaged those
22 percentages?

23 A. Then I believe I averaged those percentages and
24 then took that percentage over the salary.



WILCOX & FETZER LTD.
Registered Professional Reporters

1 Q. For fiscal year 2004?

2 A. For six months of 2004. Fiscal 2004.

3 Q. So six months. Why do you say six months if
4 you were notified in early September?

5 A. Well, because of the pay-period cycle.

6 Q. What do you mean?

7 A. Well, CSC pays on a two-week pay-period cycle.
8 So I used through the end of September as that would be
9 the pay stub that corresponds to the period that this --
10 from when I received the notice. It could be one pay
11 period less if you want to say that pay was for --

12 Q. The period after you were notified.

13 A. That was the pay for the work in the period I
14 was notified. So I didn't quibble over the three days of
15 pay inside that pay period.

16 Q. Why did you choose that method of coming up
17 with an estimate?

18 A. Because it was easy.

19 Q. There are other methods to estimate, right?

20 A. Yes.

21 Q. What are some other ways that you could have
22 estimated how much AMIP --

23 A. I could have taken the highest amount rather
24 than the average. I could have looked at some of the



WILCOX & FETZER LTD.
Registered Professional Reporters

1 classic CSC performance metrics to see if they were -- I
2 could have pretended to do my own AMIP calculation to see
3 if the formula would have been better this year than
4 other years.

5 Q. Or worse?

6 A. Or worse. But not knowing what the formula
7 was, speculating and doing the arithmetic of finding out
8 earnings per share and some of those calculations, this
9 seemed like a simple and fair way to get there. Knowing
10 the formula would be better, but I didn't have access to
11 that information.

12 Q. You have no choice but to estimate.

13 A. Right.

14 Q. You also could have averaged your AMIPs over
15 the past three or four years.

16 A. Yes.

17 Q. And then prorated it for a period of time.

18 A. But then you have to adjust it for the
19 increased salary.

20 Q. There are just different arbitrary ways of
21 calculating a bonus.

22 A. Well, the AMIP's bonus is a percent of salary.

23 Q. But these are all arbitrary ways of estimating.
24 One is no better than another. There are just different



WILCOX & FETZER LTD.
Registered Professional Reporters

1 Q. Sometimes a company has to make decisions about
2 how to save money?

3 A. Are you talking about fiscal 2003 or fiscal
4 2004?

5 Q. I'm talking about fiscal 2003.

6 A. Okay.

7 MR. WILSON: Let him finish.

8 Q. You would agree that sometimes companies have
9 to make tough decisions about how to save money, retain
10 employees, improve the financial performance of the
11 company?

12 A. Yes.

13 Q. And that a company has to use its best business
14 judgment to do that.

15 A. Yes.

16 Q. And you understand that realigning AMIP with
17 its original intent allowed the company to save a lot of
18 money, correct?

19 MR. WILSON: Object to the form.

20 A. Yes, it would allow them to save money.

21 Q. That's a legitimate objective of the company.

22 A. Yes.

23 Q. So you don't have a problem with the idea that
24 people will no longer be subject to the AMIP. You just



WILCOX & FETZER LTD.
Registered Professional Reporters

CERTIFICATE OF REPORTER

STATE OF DELAWARE)

)

NEW CASTLE COUNTY)

I, Kimberly A. Hurley, Registered Professional Reporter and Notary Public, do hereby certify that there came before me on the 12th day of January, 2006, the deponent herein, WILLIAM E. SPERATI, who was duly sworn by me and thereafter examined by counsel for the respective parties; that the questions asked of said deponent and the answers given were taken down by me in Stenotype notes and thereafter transcribed by use of computer-aided transcription and computer printer under my direction.

I further certify that the foregoing is a true and correct transcript of the testimony given at said examination of said witness.

I further certify that I am not counsel, attorney, or relative of either party, or otherwise interested in the event of this suit.

Kimberly A. Hurley
Certification No. 126-RPR
(Expires January 31, 2008)

DATED:



WILCOX & FETZER LTD.
Registered Professional Reporters

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

BRIAN MILLER, HECTOR CALDERON,)
CHARLES FOLWELL, DAWN M.)
HAUCK, KEVIN KEIR, ASHBY)
LINCOLN, KAREN MASINO, ROBERT)
W. PETERSON, SUSAN M. POKOISKI,)
DAN P. ROLLINS, and WILLIAM)
SPERATI,)

Plaintiffs,)

v.)

C.A. No. 05-10-JJF)

COMPUTER SCIENCES CORPORATION,)
Defendant.)

Deposition of DANIEL P. ROLLINS taken pursuant to notice at the law offices of Potter Anderson & Corroon, Hercules Plaza, 6th Floor, Wilmington, Delaware, beginning at 8:55 a.m., on Friday, January 13, 2006, before Kimberly A. Hurley, Registered Merit Reporter and Notary Public.

APPEARANCES:

TIMOTHY J. WILSON, ESQUIRE
MARGOLIS EDELSTEIN
1509 Gilpin Avenue
Wilmington, Delaware 19806
for the Plaintiffs

LARRY R. SEEGULL, ESQUIRE
LINDA M. BOYD, ESQUIRE
DLA PIPER RUDNICK GRAY CARY US LLP
6225 Smith Avenue
Baltimore, Maryland 21209-3600
for the Defendant

WILCOX & FETZER
1330 King Street - Wilmington, Delaware 19801
(302) 655-0477



WILCOX & FETZER LTD.
Registered Professional Reporters

COPY

1 A. Computer science, business.

2 Q. Any other postcollege education?

3 A. No.

4 Q. Where did you go to work after Ohio State?

5 A. DuPont.

6 Q. Where was that?

7 A. In Wilmington.

8 Q. What was your position?

9 A. I was a systems analyst.

10 Q. Do you have any other education or training
11 other than your college curriculum?

12 A. No.

13 Q. Have you ever received any professional or
14 work-related certifications?

15 A. No.

16 Q. Have you ever received any awards or honors?

17 A. No.

18 Q. How long did you work at DuPont?

19 A. Thirteen years.

20 Q. So until about '96?

21 A. '97.

22 Q. Was it until June of '97?

23 A. Yes.

24 Q. And then you began working at CSC?



WILCOX & FETZER LTD.
Registered Professional Reporters

1 A. Correct.

2 Q. You came over with everybody else who was
3 outsourced from DuPont?

4 A. Yes.

5 Q. What was the highest position you held at
6 DuPont?

7 A. It was a level 5 was the grade level, and I
8 don't know the position title.

9 Q. Were you on a management track or the technical
10 track?

11 A. I started technical, I went over to management,
12 and then I switched back over to technical.

13 Q. Were you a manager by the time you left DuPont?

14 A. No. I was technical when I left DuPont.

15 Q. Did your salary increase every year that you
16 were at DuPont?

17 A. Yes.

18 Q. Did you receive a bonus every year that you
19 were at DuPont?

20 A. No. The last three years, I believe.

21 Q. So you received a bonus in 1995, '96, and '97?

22 A. Yes, roughly.

23 Q. How much did you receive in 1995?

24 A. I think the first bonus was close to \$13,000.



WILCOX & FETZER LTD.
Registered Professional Reporters

1 A. Parts of it were me and him and parts of it
2 involved Jim Walla I believe was also there.

3 Q. Three-hour meeting is a pretty long meeting.
4 Tell me what you discussed during that meeting.

5 A. Just he had presented basically what they were
6 doing with the outsourcing and what would result if the
7 people that chose not to go with the plan and the
8 benefits of going with the plan.

9 Q. What did he tell you would happen if you didn't
10 transition over to CSC?

11 A. He said there was a good chance I wouldn't be
12 able to stay in my current assignment, because I was
13 working with a package called SAP. He said going with
14 DuPont -- and they were outsourcing all the computer
15 portions of that and I'd have to find some other position
16 within DuPont.

17 Q. What did he say would happen if you did come
18 with the transition?

19 A. Pretty much that the job would go unchanged and
20 salary and benefits would be as good or better than if I
21 stayed at DuPont.

22 Q. He never guaranteed you anything, did he?

23 A. I don't know that he could have guaranteed me
24 anything.



WILCOX & FETZER LTD.
Registered Professional Reporters

1 Q. Why is that?

2 A. I just was listening what he was saying. I
3 didn't ask him to sign a contract. That's not something
4 you would do with your manager that comes out to talk to
5 you.

6 Q. There are no guarantees in life, right?

7 A. Correct.

8 Q. Was he telling you what he expected would
9 happen if you came over to CSC?

10 A. Yes.

11 Q. He was giving you his best impression of the
12 intent of the company at the time?

13 A. Correct.

14 Q. Do you think he was being honest?

15 A. Yes.

16 Q. He was trying to describe to you as he
17 understood it the terms of the AMIP plan at that time?

18 A. Correct.

19 Q. He never told you that the AMIP plan will never
20 change, did he?

21 A. I don't think that came up.

22 Q. He wasn't promising you that the terms of the
23 AMIP plan would never change, correct?

24 A. Yeah, I don't think that...



WILCOX & FETZER LTD.
Registered Professional Reporters

1 Q. He never said that your salary will never
2 change?

3 A. No.

4 Q. You understood that your compensation could
5 change?

6 A. Yes. With DuPont, once you made the variable
7 comp. level, we didn't know of anybody that lost it. So
8 you kind of came to expect that you would get that every
9 year.

10 Q. But it wasn't a guarantee?

11 A. No, nothing is a guarantee.

12 Q. For instance, you could be demoted?

13 A. Correct.

14 Q. If you were demoted into a different level,
15 then you wouldn't get it, correct?

16 A. Correct.

17 Q. Or they could change the terms of the variable
18 comp. plan to make it only for level 6 and above,
19 correct?

20 A. Sure.

21 Q. That's what DuPont could have done?

22 A. Correct.

23 Q. And CSC could have done the same thing?

24 A. Uh-huh.



WILCOX & FETZER LTD.
Registered Professional Reporters

1 performance evaluation had been completed and the company
2 had closed its books?

3 A. Yes, I believe so.

4 Q. So normally you would get a call, let's say, in
5 May after the fiscal year had closed?

6 A. Correct.

7 Q. Just so I'm clear, the fiscal year for CSC runs
8 from April 1 through March 31?

9 A. Correct.

10 Q. Just as an example, fiscal year 2003 would run
11 from April 1, 2002, through March 31, 2003.

12 A. Yes.

13 Q. And you might not find out that you were going
14 to get your fiscal year 2003 bonus until May of 2003, for
15 instance.

16 A. Yes.

17 Q. Up until that point you would have no idea
18 whether or not you were going to receive a bonus or how
19 much it would be?

20 A. Well, I don't think it was a question of
21 whether you're going to receive it because you received
22 it every year. So you just expected you were going to
23 receive it until they told you you weren't.

24 Q. You would assume that you would be getting a



WILCOX & FETZER LTD.
Registered Professional Reporters

1 you had received one in the prior fiscal year.

2 A. Correct.

3 Q. So you would assume that, if it's happening one
4 year, it's going to happen next year.

5 A. Correct.

6 Q. When you were hired by CSC, you didn't have a
7 contract of employment, correct?

8 A. No.

9 Q. You were an at-will employee?

10 A. Correct.

11 Q. You are still an at-will employee?

12 A. Correct.

13 Q. I know you don't know the title, but do you
14 know the level position that you were hired at when you
15 came on to CSC?

16 A. I think it was also a level 5 position.

17 Q. Are you still a level 5 position?

18 A. Yes, I believe so.

19 Q. Do you know if that's a management-level
20 position?

21 A. I couldn't tell you.

22 Q. Did you receive an offer letter when you came
23 over to CSC?

24 A. Yes.



WILCOX & FETZER LTD.
Registered Professional Reporters

1 (Deposition Exhibit No. 7 was marked for
2 identification.)

3 BY MR. SEEGULL:

4 Q. Mr. Rollins, I'm showing you what's been marked
5 as Exhibit 7. Do you recognize this?

6 A. Yes.

7 Q. What is it?

8 A. That's the offer letter from CSC.

9 Q. Is this the one that you signed in March of
10 '97?

11 A. Yes.

12 Q. This has some language about the bonus plan.
13 Do you see that? In the third full paragraph which
14 starts "In addition."

15 A. Yes.

16 Q. This has a brief description of the Management
17 Incentive Program, correct?

18 A. Correct.

19 Q. You can put that aside.

20 Other than this offer letter, were you
21 provided any documents about the bonus plan at any point
22 in time?

23 A. I don't recall.

24 MR. SEEGULL: We have got to call the



WILCOX & FETZER LTD.
Registered Professional Reporters

1 MR. SEEGULL: I will confer with Mr. Raimo
2 about whether or not that's necessary, and, if so, we
3 will submit a separate cover letter laying all that out.

4 THE COURT: At the time that you do your
5 mediation statement.

6 MR. SEEGULL: Yes.

7 THE COURT: Thank you.

8 MR. SEEGULL: Thank you, Your Honor.

9 (End of telephone conference.)

10 BY MR. SEEGULL:

11 Q. What does AMIP stand for?

12 A. I couldn't tell you.

13 Q. You just understand it's the bonus plan?

14 A. Right.

15 Q. We talked about the fact that at some point in
16 September of 2003 you were told that you would no longer
17 be eligible for receiving the AMIP for that fiscal year.

18 A. Correct.

19 Q. That, you think, was on September 11th?

20 A. Right.

21 Q. That's when you received the letter?

22 A. Uh-huh. Yes.

23 Q. Did you have any other communications, verbal
24 or written, about this issue other than that letter?



WILCOX & FETZER LTD.
Registered Professional Reporters

1 A. Yeah. I think I received a phone call from
2 Alan Kronmiller, my supervisor, and he kind of explained
3 the situation, and he didn't -- kind of indicated he
4 didn't agree with what was going on, but that's what was
5 going on.

6 Q. Was this conversation with Mr. Kronmiller
7 before or after you received the letter?

8 A. I believe it was before, but I can't tell you
9 100 percent.

10 Q. He told you you should expect to receive a
11 letter confirming this?

12 A. Correct.

13 Q. How long was this telephone conversation?

14 A. I don't know.

15 Q. Was it relatively short?

16 A. Yeah, most calls with him are short.

17 Q. At most five to ten minutes?

18 A. Yes.

19 Q. What did he tell you about what was going on
20 with the AMIP?

21 A. He just said they were looking to make some
22 changes and that we may no longer be receiving it.

23 Q. Did he tell you that the company was looking to
24 change the AMIP plan by realigning it with its original



WILCOX & FETZER LTD.
Registered Professional Reporters

1 intent to make it more of a senior management focus?

2 A. Yeah. I can't remember the exact conversation.

3 Q. But was it words to that effect?

4 A. I would say so, yes.

5 Q. You understood that was what the company was
6 trying to do, correct?

7 MR. WILSON: Object to the form.

8 A. I can't say I understood it. I really didn't
9 agree with what he was saying, and he didn't agree with
10 what he was saying.

11 Q. I understand that you disagreed with the idea
12 that you should be removed. You thought you shouldn't be
13 removed.

14 A. Correct.

15 Q. But you understood that what the company was
16 trying to do was to make the plan more consistent with
17 what its original intent was, which was to make it
18 exclusively a bonus program for senior management.

19 MR. WILSON: Object to the form.

20 A. I didn't understand that, what he was saying.
21 I don't remember him saying those words.

22 Q. Did you know that the original intent of the
23 program was to be a bonus program for senior-level
24 management?



WILCOX & FETZER LTD.
Registered Professional Reporters

1 bonus?

2 A. No.

3 Q. Do you know on what basis they decide who gets
4 it and who doesn't?

5 A. No.

6 Q. At the time that you received this letter,
7 Exhibit 8, you understood you would no longer be getting
8 AMIP payments, correct?

9 A. Correct.

10 Q. You knew that you were no longer eligible under
11 the AMIP plan?

12 A. Yes.

13 Q. You also knew that this discretionary bonus you
14 suddenly became eligible for, correct?

15 A. Yes. That's what the letter said.

16 Q. You had not been eligible for the discretionary
17 bonus before, correct?

18 A. Correct.

19 Q. So you understood that, although the company
20 was taking away your eligibility from AMIP, they were
21 giving you something, as well, which is eligibility for
22 the discretionary bonus.

23 A. Yeah. That's what was said in the letter, but,
24 like I said, I never saw anything of the discretionary



WILCOX & FETZER LTD.
Registered Professional Reporters

1 A. I'm not sure I understand.

2 Q. The company could, for instance, look at the
3 past five years of your AMIP payments and do an estimate.

4 A. They could, yes.

5 Q. And they could also take what would have been
6 your AMIP payment for the entire year if they could
7 figure that out and divide that by two to come up with
8 another estimate?

9 MR. WILSON: Object to form.

10 A. Okay.

11 Q. Is that right?

12 A. They could.

13 Q. So there are all different ways of coming up
14 with estimates, but you tried to come up with one form of
15 an estimate.

16 A. Correct.

17 Q. Why is it that you have to estimate what your
18 actual damages are?

19 A. I think you were asking me to estimate what the
20 actual damages were.

21 Q. Is it because you don't know what your actual
22 damages are, you have to estimate them?

23 A. Correct.

24 Q. Is that because you don't know what you would



WILCOX & FETZER LTD.
Registered Professional Reporters

1 have been paid in an AMIP bonus for those six months?

2 A. I know approximately what it would have been.

3 Q. But you don't know because you never were paid
4 an AMIP bonus for that year?

5 A. Correct.

6 Q. The decision to remove you from AMIP
7 eligibility was not a personal decision about you,
8 correct?

9 A. True.

10 Q. The company removed all people at a certain
11 salary level, correct?

12 A. Yeah. I assume so. I don't know that.

13 Q. That's what your understanding is?

14 A. Yes.

15 Q. The salary level was salary level 6 and below,
16 correct?

17 A. Yes. I believe so.

18 Q. You would agree that in fiscal year 2003 and
19 starting in fiscal year 2004, it was a tough economic
20 climate for the company at that period of time.

21 A. Yes, I believe so.

22 Q. You understood that the company was trying to
23 save money?

24 A. Correct.



WILCOX & FETZER LTD.
Registered Professional Reporters

1 Q. One of the ways they were trying to save money
2 was to revisit the bonus plan.

3 A. Yes.

4 Q. That's why they were trying to change the
5 eligibility.

6 A. Correct.

7 Q. That's a legitimate business reason to change a
8 bonus plan, correct?

9 MR. WILSON: Object to the form.

10 A. I assume so, yes.

11 Q. The company has the right to make decisions to
12 try to save money.

13 MR. WILSON: Object to the form.

14 A. Yes.

15 Q. You don't have a problem with CSC making
16 changes to its plan?

17 A. I wouldn't say that.

18 Q. You do have a problem with it or you don't have
19 a problem with it?

20 A. I have a problem with them making changes that
21 to me we came to expect with DuPont and also with CSC,
22 and it's my choice to continue to work under the program
23 which I did decide to do, but to say I didn't have a
24 problem with it is probably an incorrect statement.



WILCOX & FETZER LTD.
Registered Professional Reporters

1 know that as a fact?

2 A. No, I don't.

3 Q. Had you ever heard of the discretionary bonus
4 before?

5 A. This was the first I heard about it.

6 MR. WILSON: That's all I have.

7 BY MR. SEEGULL:

8 Q. Mr. Rollins, you don't know how AMIP was
9 calculated year to year, correct?

10 A. Correct.

11 Q. You don't know what the factors were that were
12 used in determining how much the AMIP would be for any
13 employee?

14 A. Correct.

15 Q. So it's possible that the formula that was used
16 for you changed year to year?

17 A. It's possible.

18 Q. You don't know one way or the other?

19 A. No.

20 Q. That's correct?

21 A. Yes. I believe so.

22 Q. In the three exhibits that your attorney used,
23 exhibits 10, 11, and 12, those are what you call pay
24 stubs?



WILCOX & FETZER LTD.
Registered Professional Reporters